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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-12-00086 YGR
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	ORDER TO CONTINUE HEARING DATE
v.	)	TO MAY 10, 2012 AND TO EXCLUDE
	)	TIME UNDER THE SPEEDY TRIAL ACT
	)	
DAMON FISH,	)	
	)	
Defendant.	)	Date: April 19, 2012
	)	Time: 2:00 p.m.
	)	
	)	
	)	

The above-captioned matter is set on April 19, 2012 before this Court for a status hearing. The parties jointly request that the Court continue the matter to May 10, 2012, at 2:00 p.m., before this Honorable Court, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between April 19, 2012 and May 10, 2012, so that the defense can have more time to assess the discovery in this case and to investigate and research a potential motion to suppress and to collect prior conviction records.

On February 9, 2012, the Grand Jury charged Damon Fish a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). On February 24, 2012, Mr. Fish appeared before the magistrate court and was arraigned on the Indictment. Five days later, on February 29, 2012, the magistrate court detained Mr. Fish. Mr. Fish faces a maximum sentence of ten years

1 imprisonment on this charge.

2       The upcoming status hearing would be the second district court appearance in this case.  
3 The defense requests that the Court continue this date because counsel for Mr. Fish needs  
4 additional time to review the discovery that the government has produced to determine if there  
5 are any motions to be filed. The defense also needs time to complete its investigation and to  
6 research a potential motion to suppress. For example, the defense is trying to obtain complete  
7 audio recordings from a witness in this case, including a call that was made to 911. Finally, the  
8 defense would like to have additional time to collect records and to research and assess the  
9 Guidelines and Mr. Fish's criminal history category. For these reasons, the defense requests  
10 additional time to prepare, and the parties agree that it is appropriate to continue this case until  
11 May 10, 2012.

12       The parties stipulate and agree that the ends of justice served by this continuance  
13 outweigh the best interest of the public and the defendant in a speedy trial. The parties further  
14 agree that the failure to grant this continuance would unreasonably deny counsel for defendant  
15 the reasonable time necessary for effective preparation, taking into account the exercise of due  
16 diligence. Accordingly, the parties agree that the period of time from April 19, 2012 until May  
17 10, 2012, should be excluded in accordance with the provisions of the Speedy Trial Act, 18  
18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into  
19 account the exercise of due diligence.

20  
21 DATED: April 16, 2012

\_\_\_\_\_  
/S/  
ANDREW HUANG  
Assistant United States Attorney

22  
23  
24 DATED: April 16, 2012

\_\_\_\_\_  
/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the defense needs additional time to review the discovery in this case and to assess this case for motions;
2. Given that the defense needs additional time to investigate and to research a potential motion to suppress;
3. Given that the defense needs additional time to collect records and to research and assess the Guidelines and defendant's criminal history category;
4. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and
5. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of April 19, 2012, scheduled at 2:00 p.m., is vacated and reset for May 10, 2012, at 2:00 p.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), from April 19, 2012 until May 10, 2012.

DATED: April 18, 2012

  
YVONNE GONZALEZ ROGERS  
United States District Judge